

BILL NO. S-69-10-10

SPECIAL ORDINANCE NO. S- 368-69

AN ORDINANCE ordering a sidewalk on the East side of Barnhart Avenue from the North property line of State Boulevard to the South property line of Vance Avenue, except where sidewalk is now in place.

WHEREAS, on the 25th day of August, 1969, the Board of Public Works of the City of Fort Wayne adopted Sidewalk Improvement Resolution No. 5532-1969, providing for the construction of sidewalk on the East side of Barnhart Avenue from the North property line of State Boulevard to the South property line of Vance Avenue, except where sidewalk is now in place; and

WHEREAS, within 10 days after the day named for hearing upon said Resolution, a majority of the resident freeholders on said street remonstrated against said improvement; and

WHEREAS, on October 2, 1969, the Board of Public Works, upon consideration of such remonstrance, determined that in its opinion, a public need and necessity for said sidewalk exists for the safety of the children in the area so that they will not be compelled to walk and play in the street, and by its communication dated October 2, 1969, heretofore made a matter of record, communicated the foregoing to this body; and

WHEREAS, Section 107 of Chapter 129 of the Acts of 1905 of the State of Indiana, as amended, provides that in the event of such a remonstrance, the improvement shall not be made unless specifically ~~ordered~~ ordered by an ordinance within 60 days thereafter, passed by two-thirds vote of the Council and approved by the Mayor:

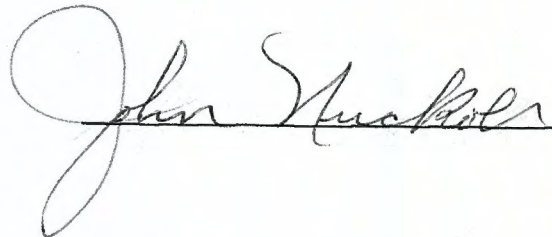
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the construction of the above-described sidewalk is hereby deemed to be of public need and necessity in order to provide for the safety of the children living and playing in said area.

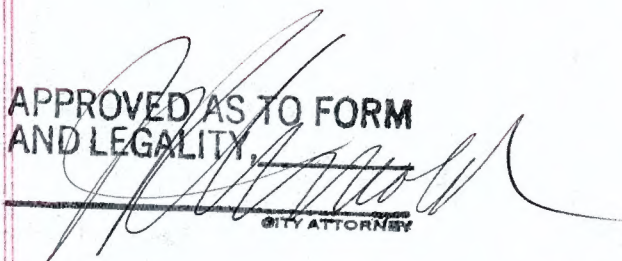
SECTION 2. That notwithstanding any remonstrance filed against the same by the resident freeholders on said street, the

construction of a sidewalk on the East side of Barnhart Avenue from the North property line of State Boulevard to the South property line of Vance Avenue, except where sidewalk is now in place, in the City of Fort Wayne, Indiana, be and the same is hereby specifically ordered, and this Ordinance shall be and constitute sufficient authority and direction to the Board of Public Works of the City of Fort Wayne, Indiana in the premises to proceed in accordance with said Resolution.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

A handwritten signature in cursive script, reading "John Stuchlik", written over a horizontal line.

APPROVED AS TO FORM  
AND LEGALITY.

A handwritten signature in cursive script, written over a horizontal line.  
CITY ATTORNEY



~~Hold~~

Bill No. S-69-10-10

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance  
ordering a sidewalk on the East side of Barnhart Avenue from the North property  
line of State Boulevard to the South property line of Vance Avenue, except  
where sidewalk is now in place,

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS.

JOHN NUCKOLS, Chairman

EDWIN J. ROUSSEAU, Vice-Chairman

THOMAS G. ADAMS

CELIA ANN FAY

JOHN H. ROBINSON

*John Nuckols*  
*Edwin J. Rousseau*  
*Thomas G. Adams*  
*Celia Ann Fay*  
*John H. Robinson*

CONCURRED IN

DATE 11-25-69 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Nuckols seconded by Steigerwald and duly adopted, read the second time by title and referred to the (Committee on) Public Works (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_ 196\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 10-14-69

Fred G. Bonachoon  
City Clerk

Read the third time in full and on motion by Nuckols seconded by Adams and duly adopted, placed on its passage.

Passed (~~LOST~~) by the following vote:

AYES 8, NAYS 1, ABSTAINED \_\_\_\_\_, ABSENT \_\_\_\_\_ to-wit:

Adams	<u>✓</u>	_____	_____
Dunifon	<u>✓</u>	_____	_____
Fay	<u>✓</u>	_____	_____
Geake	<u>✓</u>	_____	_____
Nuckols	<u>✓</u>	_____	_____
Robinson	<u>✓</u>	_____	_____
Rousseau	<u>✓</u>	_____	_____
Steigerwald	<u>✓</u>	_____	_____
Tipton	_____	<u>✓</u>	_____

Date 11-25-69

Fred G. Bonachoon  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No 5-368-69

on the 25<sup>th</sup> day of November, 1969.

ATTEST: (SEAL)

Fred G. Bonachoon  
City Clerk

Herbert G. Tipton  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26<sup>th</sup> day of November, 1969 at the hour of 8:30 o'clock 7 .M., E.S.T.

Fred G. Bonachoon  
City Clerk

Approved and signed by me this 26<sup>th</sup> day of November, 1969, at the hour of 9:54 o'clock A .M., E.S.T.

Harold S. Zeis  
Mayor